

FALSTAFF'S NEW RECRUITS.

(By J. E. Powers.)



Gen. Chaffee, in His Turn-Down on the General Staff, Is the Latest Experienced Fighter to Get the Wrong End of the Big Stick of the "Get-Promoted-Quick" Army Skindictate.

WORDY WAR OVER
PANIC TELEGRAMMaurice M. Sternberger Resents
Use of Word "Bogus" by
Lawyer at O'Leary Hearing
on N. P. Transaction.DECLARES ALL OF HIS
DEALING HONORABLE.Brother of Witness Testifies
that He Was Not Short of
the Railroad Stock for Mor-
gan or Others.

Maurice M. Sternberger was recalled today to the resumption of the hearing before Referee Philip E. Reville, of the suit by J. J. O'Leary, of Chicago, against the stock brokerage firm of Sternberger, Fuld & Sinn, which claims to have lost through the alleged negligence of the defendants during the panic in Northern Pacific stock on May 9, 1901.

Mr. Wilcox, attorney for the plaintiff, asked Mr. Sternberger to identify a letter written to Mr. Wilcox. The witness said that he did not remember the letter in question, or that his firm had ever sent any communication to Mr. Wilcox in response to inquiries from Mr. Wilcox's firm. Mr. Sternberger said that he had never seen Mr. Wilcox before the present proceedings except on one occasion at the Astor House.

The witness was asked by Mr. Wilcox to read the letter. He did so, and when he had finished Mr. Wilcox asked:

"You did not refuse to stay short in these Northern Pacific transactions with Mr. Townsend, did you?"

To this Mr. Sternberger answered: "I know nothing about the letter." He became angry and objected to the line of questioning.

Mr. Wilcox, however, insisted upon an answer to the question as to whether an honorable Stock Exchange firm would send a despatch to a customer which was not true, "a despatch, as an example, which stated that the firm had refused to stay short of stock when such was not the case—a bogus despatch."

Mr. Sternberger replied that his firm acted honorably and that the word "bogus" was offensive to him. "Well, what was the despatch if it wasn't bogus?" asked the lawyer.

"Well, my house acts honorably," said the witness. "Was this despatch to Mr. Townsend true or false when you sent it?" "I don't know whether it was or not," replied the witness.

Mr. Sternberger was then excused, but before leaving the stand he protested vigorously against the questions which were asked him and which he claimed, reflected upon the honesty of his firm.

Not Short for Morgan.

Henry B. Sternberger, a brother of the witness, and a member of the Stock Exchange, testified that he was short 100 shares of Northern Pacific stock in the firm of Sternberger, Fuld & Sinn. He said that the firm on May 9, 1901, told him it could not borrow the stock and that he would have to take care of it himself. The result, according to the witness, was that he settled next day on a loan of \$50,000.

The witness, on cross-examination, declined to give the names of customers of the firm who declared that he was not short of stock for J. P. Morgan & Co., James J. Hill or Kuhn, Loeb & Co., Thomas A. Moran, Jr., counsel for Sternberger, objected to most of the questions of plaintiff's counsel.

MAKE NEW BID FOR
SUBWAY JAMBOREE

The Aldermen have come down from their demand for \$50,000 revenue bonds to express the city's gratification at the opening of the Subway and have written to the Mayor that they will be satisfied with \$25,000.

When the demand for \$50,000 was first presented to the Board of Estimate the Mayor said he thought it would "bear up" to about \$50,000. The board, with the exception of Presidents Fawcett and Mr. Cassidy, of Queens, agreed with him, and \$50,000 was authorized for the affair.

Aldermen Richter and Dool, the subcommittee of the Aldermanic Committee threatened to abandon the celebration, but finally decided to reduce the estimate of the cost. They insist on the fireworks show, but have reduced the cost of that item from \$15,000 to \$5,000.

The Mayor laughed when he was asked if he would sanction the reduced demand, and reminded his interviewers of what he had said when the matter was before the Board of Estimate. At that time, he said, in a loud whisper to President Fawcett, he said: "I don't want to see this thing go on."

"You had better take the \$5,000; it's all yours, and you had better take it quickly before we repent of our generosity."

SNAKE MAN SEEKS DIVORCE.

Howard L. Burnett Now Suing to Obtain Decree.

Justice Garrison in the Equity Branch of the Supreme Court, Brooklyn, heard today the suit for divorce brought by Howard Livingston Burnett, of No. 41 Livingston street, against his wife, Elizabeth Carry Hill Burnett.

Mrs. Burnett brought a suit for separation a year ago on the ground that her husband made a plaything of snakes and brought them into his own home. She alleged that one day when she opened the bureau drawer a snake jumped out and nearly scared her to death. The pets were to be found all over the place, causing her much physical pain as well as untold mental agony.

Mr. Burnett in affidavits filed said that he saw his wife with another man in the Rosemore Hotel. He has his action for divorce on this incident.

FEDERAL COURT TO
PASS ON PARKER

Ruling of the Democratic Candidate for President Being Tested in the Appeal on the Fayerweather Will Case.

ACTION THAT INVOLVES
MILLIONS BEGUN HERE.

It Went to the Court of Appeals, and Parker and Other Justices Decided that Fraud Was Not Shown.

WASHINGTON, Oct. 12.—The United States Supreme Court today heard arguments in what is known as the Fayerweather will case, involving several million dollars worth of property left by Daniel B. Fayerweather, a New York leather merchant, who died in that city in 1890, leaving an estate valued at upward of \$5,000,000.

The present litigation is over the ownership of a part of the residuary estate, together with fourteen years' interest. The case is that of John B. Reynolds, as sole executor of the last will of Lucy Fayerweather, the deceased widow, against Thomas G. Ritch and others, individually and as executors.

Fayerweather left three heirs-at-law and next of kin, namely, Mary W. Archer, Emma S. Fayerweather, both of Massachusetts, his nieces, and Lucy J. Beardsley, of Bridgeport, Conn.

The case was appealed by Reynolds from the decision in 1902 of Judge Macomber in the United States Circuit Court for the Southern District of New York. Ex-Chief Justice Parker, the Democratic candidate for President, was one of the Judges in the Court of General Term at New York who rendered the opinion of that body in the case, holding that as to the residue of the net estate, Fayerweather died intestate, that the widow and next of kin made releases of their property and that there was not sufficient evidence to connect fraud with these releases.

Snow Storm in Albany.

ALBANY, Oct. 12.—The first snow of the season fell here. The rain, which had been falling steadily for several hours, turned to sleet and for a time the wet snow was visible upon the pavements.

Snow also fell at Schenectady, Glens Falls and other places, at each of which freezing temperature is reported.

WEINSEIMER HARD
HIT ON HIS TRIAL

(Continued from First Page.)

time Esig was at Weinseimer's office," Mr. Raines asked.

Esig on the Stand.

Esig was sworn, and in a loud voice declared he would tell the truth to the best of his knowledge and belief. He told the story of Weinseimer's dealings with him, whereby, as he alleges, he was forced to give up \$2,500 to the latter to avoid a strike.

Esig is a Brooklyn plumber, having a shop at No. 29 Hancock street. He was first approached, he said, by a walking delegate named John Altmeyer, and then by another named Finn.

"In consequence of what they told me, you did go on Dec. 22 last, didn't you?" Mr. Raines asked.

Mr. Raines' objection was sustained. Mr. Raines produced the check. It was for \$1,000, and made out by Kahn, of the Johnson, Kahn Company. It was marked for identification.

Mr. Raines tried by various devices to introduce in evidence the conversation witness had with the two walking delegates, but was unsuccessful. He then asked the witness to read the record what Mr. Raines so earnestly desired to put there.

"After I introduced me to Weinseimer," Esig said, "and I told him I was anxious to resume work. He said I could not do so until I had paid him \$2,500. He said I would have to be at No. 21 Park Row. I met him there the next day."

Not Working for Love.

"We went into the cafe. He introduced the subject, asking for the contract I had made. He asked me how much I could do for him. He said I would have to be at No. 21 Park Row. I met him there the next day."

"I went to his office next day, which was Dec. 20, between 11 and 12 o'clock. He sent the young woman stenographer of the office and said to me, 'Have you got the money?' I asked him to lower it, and he said the least he would take would be \$2,500, as it had to be divided."

Esig said that in accordance with an arrangement he had made with the firm, \$2,500 was to be paid down and notes, payable every month, given for the balance. The \$2,500 was to be paid down in two or three days.

"When I asked him if I could start the job he told me that there was no hurry about it. He said he had made up his mind to do it. He said he would have to be at No. 21 Park Row. I met him there the next day."

"I told him I was and would be down in two or three days. He said, 'Well, the conversation over the phone.' Mr. Raines inquired: 'I don't know. This is Brown.' 'This is Weinseimer.' He said: 'Yes, you do. This is Weinseimer.'"

Esig said he had taken up every note

he had given Weinseimer, with the exception of the one that last fell due. He paid Weinseimer the cash for each note, obtaining the money from the Hamilton Bank.

Cross-examined by Mr. Raines, Esig said he was thirty-two years old and had been a journeyman plumber for seven years ago, when he became a master. Mr. Raines wanted to know about all the contracts he had had since he became a master plumber and the men he had in his employ.

Q. How much money did you have in bank when you signed the Chatsworth contract? A. I cannot say.

AGREEMENT UNDER WHICH
BABY WAS SOLD FOR A CENT.

"I, Thomas Bell, do resign to John and Rosie McDermott all claims to my daughter, Rosie Gwendolin Bell, four years old, for the sum of one cent, on condition that said daughter be taken care of; and should said baby die inside of two months, I, Thomas Bell, will be responsible for her burial expenses."

SUBWAY TAVERN
TALK STOPPED

Southern Delegate to Episcopal Convention Trying to Link Divorce and Drink Again, Falls in Hit at Bishop Potter.

BOSTON, Oct. 12.—The subject of marriage and divorce was again taken up today, when Gen. J. H. Stotzner, of Indianapolis, moving that a joint commission of bishops, presbyters and laymen be appointed for the purpose of memorializing the legislative bodies of the various States in the interest of laws restricting the performance of marriages to ministers of the Gospel. The matter was placed on the calendar.

Rev. Dr. J. Lewis Parks, of New York, rising to a question of privilege, said he desired to present a communication from Bishop William C. Doane, of Albany, in explanation of a previous statement made by the Bishop touching on marriage and divorce which was criticized by Rev. Dr. Parks yesterday in opening the discussion on divorce.

Doane as declaring that marriage was annulled by pre-nuptial impurity. The Bishop's letter, which was read, stated that he had been misunderstood and that in making the statement quoted by Rev. Dr. Parks yesterday he had referred to old Jewish customs. Bishop Doane thought it was unfair to hold the commission on the divorce canon responsible for his opinions.

The House of Deputies then went into committee of the whole to discuss the proposed canon forbidding remarriage by a divorced person while the former partner is living. Joseph Packard, of Baltimore, assumed the chair.

While the debate was in progress a motion was made by J. C. Buxton, of Winston, N. C., who attempted to link the divorce bill with the liquor question.

Mr. Buxton is the deputy who, on the opening day of the convention, attempted to read a resolution censuring Bishop Potter for his attitude on the liquor question. He was promptly called to order by the Chairman.

Still he attempted to make some further reference indirectly to the Subway Tavern, but was promptly called to order by the Chairman.

Tobacco Receiver Named.

George P. Butler Wins in His Contest with Commonwealth Co.

TRENTON, N. J., Oct. 12.—Vice-Chancellor Emery at Newark has appointed Jerome Taylor receiver for the Commonwealth Tobacco Company, which is ordered to give a bond for \$150,000.

The application for the receiver was made by George P. Butler, of New York. In his affidavit he alleged that the assets of the company would not exceed \$75,000, while the liabilities were placed at \$723,234.71. Mr. Butler averred that he is the owner of 75% of the bonds of the company, valued at \$75,000, and that he is now hopelessly insolvent and has been forced to suspend business.

The company was incorporated in April, 1902, with a capital stock of \$500,000, but later, on Feb. 9, 1904, the capital stock of the company was increased to \$1,000,000.

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Suicide Hall is Buried.

MIDDLETOWN, Conn., Oct. 12.—The body of Frank De Perster Hall, who took his life by shooting in New York Monday, was received here this afternoon and interment took place in the family lot at Indian Hill cemetery. A service was held at the grave.

Heat Without Cost.

We can heat your room and improve your gaslight without any addition to your gas bill.

BOUGHT BABY FOR
A CENT, SHE SAID

Jersey City Woman Produced a Signed Agreement in Court When Accused by Sister-in-Law of Stealing Child.

Two sisters-in-law laid claim to a child in the Jersey City First Criminal Court today, sister-in-law No. 1 claiming that sister-in-law No. 2, who is the mother of fifteen children, although she is no older than thirty-seven years, had been a party to a bargain in selling one of her brood for one cent. Judge Higgins decided that the sale was not legal and ordered the restoration of the child.

The contentions grew out of the arrangement of Mrs. Francis Bell, of No. 128 Tenth street, on the complaint of Mrs. Rose McDermott, of No. 23 Tenth street, on a charge of disorderly conduct. Mrs. McDermott said that her sister-in-law, Mrs. Bell, had annoyed her for some time past and last night when they met on the street used language as vulgar and speech so loud that she was made altogether uncomfortable.

Mrs. Bell denied the charges but added that she had a right to be indignant. She then told the Judge of her fifteen children, one of which she claimed had been stolen by her sister-in-law.

The astonishment of the Court and all the officers as well as the spectators Mrs. McDermott said the child was hers by virtue of the payment of a cent as consideration in the purchase of the child. The following contract was then recited:

"I, Thomas Bell, do resign to John and Rosie McDermott all claims to my daughter, Rosie Gwendolin Bell, four years old, for the sum of one cent, on condition that said daughter be taken care of; and should said baby die inside of two months, I, Thomas Bell, will be responsible for her burial expenses."

The agreement was written in lead-pencil, dated Sept. 7, and signed by Thomas Bell, the name of Mrs. Bell's husband, and with a cross mark, which the complainant declared, represented the signature of Mrs. Bell.

Mrs. Bell denied indignantly that she had ever consented to give up the child, or that the cross mark represented her signature. She was corroborated by one of her daughters and one of her sons.

The Court decided that the child would have to be returned to her mother, and dismissed the complaint against Mrs. Bell.

Heat Without Cost.

We can heat your room and improve your gaslight without any addition to your gas bill.

Heat-Light JET HEATER

utilizes the gas flame through a generator, so as to obtain a powerful heat, and at the same time concentrates and increases the light; easily attached to any burner. Circular on request. Sent postpaid on receipt of \$1.00. Agents wanted. W. M. CRANE CO., Mrs. of Gas Appliances, 1131-33 B'way, N. Y.

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TRACTIONS WITH
THE STOCK LEADERS

Manhattan Exceptionally Active at a Good Advance, While Brooklyn Rapid Transit Shares Gains in Strong Market.

RR. SHARES SELL WELL.

Baltimore & Ohio and Atchafalpa Prominent in the Dealings—Peoples Gas and Leather Up and Copper and Steel Under Pressure.

There was a vigorous tone to trading in the stock market today, while the dealings were brisk. The closing was strong. The feature of the afternoon dealings was Missouri, Kansas and Texas and preferred. The latter, on heavy buying, was pushed up 2 1/2, while the common on about 15,000 shares advanced to 29, against 28 3/4, its close of yesterday.

Annuity and Copper was an exception to the general strength, but it held up fractionally during the session on steady but small sales from the market. There was also pressure in evidence in the Steel stocks, each selling a trifle below last night's closing figure. Pittsburg houses traded heavily in this stock, while some sold to take profit and others bought.

Peoples Gas of Chicago, Union Pacific and the Leather issues were conspicuous in the advance, each finishing from 3/4 to 1 1/2 higher.

There was unusual activity in Manhattan, the price selling up more than 2 points, to 125 1/4. Metropolitan Securities and Metropolitan Street Railway closed fractionally higher, while Brooklyn Rapid Transit showed a gain over 1 point. The Erie group suffered fractionally.

The feature of the bond market was the absorption of Central of Georgia bonds, all of which established new high records for the year.

The total sales of stocks were \$66,000,000 and of bonds \$12,125,000.

The Closing Quotations.

Today's highest, lowest and closing prices and net change from last recorded sale are as follows:

Amal. Copper	65 1/2	65	65 1/2	
A. & C. R. ex-div.	107 1/2	107	107 1/2	
Am. Sugar	125 1/2	125 1/4	125 1/2	
Am. Sugar P.	125 1/2	125 1/4	125 1/2	+ 1/8
At. & C. P. ex-div.	100 1/2	100	100 1/2	
Balt. & Ohio	29 1/4	29	29 1/4	
Balt. & Ohio pf.	93 1/2	93	93 1/2	
Can. Pac.	45 1/2	45	45 1/2	
Canadian Pacific	122 1/2	122	122 1/2	
Chas. & Ohio	44 1/2	43	44 1/2	
Chic. & N. W.	17 1/2	17	17 1/2	
Chic. G. W. & A.	28 1/2	27 1/2	28 1/2	
C. M. & St. P.	100 1/2	100	100 1/2	
Col. Fuel & Iron	39 1/2	39	39 1/2	
Consolidated	25 1/2	25	25 1/2	+ 1/8
Den. & R. G. pf.	53 1/2	53 1/2	53 1/2	
Erie	33 1/2	32 1/2	33 1/2	
Erie & E. pf.	33 1/2	32 1/2	33 1/2	
Erie 2d pf.	47 1/2	46	47 1/2	
Hilltop	145	144 1/2	144 1/2	+ 1/8
Illinois Cen.	100 1/2	100	100 1/2	
Ind. Securit.	52 1/2	52	52 1/2	
Madison	121 1/2	121	121 1/2	
M. & K. T.	29 1/2	29	29 1/2	
M. & K. T. pf.	29 1/2	29	29 1/2	
N. Pac.	101 1/2	101	101 1/2	
Norfolk & West.	17 1/2	17 1/2	17 1/2	
Norfolk & West. pf.	17 1/2	17 1/2	17 1/2	
Ont. & West.	35 1/2	35	35 1/2	
Pennsylvania	104 1/2	104	104 1/2	
Penn. Gas	104 1/2	104	104 1/2	
Reading	72 1/2	71 1/2	72 1/2	
Rock Island	23 1/2	23	23 1/2	
S. Pac.	59 1/2	58 1/2	59 1/2	
S. Pac. pf.	59 1/2	58 1/2	59 1/2	
Southern Ry.	53 1/2	53	53 1/2	
Southern Ry. pf.	54 1/2	54	54 1/2	
Tenn. Coal & Iron	51 1/2	50 1/2	51 1/2	
Texas	90 1/2	90	90 1/2	
Union Pacific	90 1/2	90 1/4	90 1/2	
Union Pacific pf.	90 1/2	90 1/4	90 1/2	
U. S. Leather	89 1/2	89	89 1/2	
U. S. Leather pf.	89 1/2	89	89 1/2	
U. S. Steel	194 1/2	194	194 1/2	
U. S. Steel pf.	194 1/2	194	194 1/2	
Wabash	30 1/2	30	30 1/2	
Wabash pf.	30 1/2	30	30 1/2	
West. T. & P.	44 1/2	44	44 1/2	
Wiscon. Cen.	44 1/2	44	44 1/2	
Wiscon. Cen. pf.	44 1/2	44	44 1/2	
Wiscon. Adv.	44 1/2	44	44 1/2	